

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Renaldo Lewis,)	C/A No. 1:15-4365-JFA-SVH
)	
Petitioner,)	
)	
v.)	ORDER
)	
Linda Thomas, Warden,)	
)	
Respondent.)	
)	

The *pro se* petitioner filed this action pursuant to 28 U.S.C. § 2241. The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she suggests that this court should dismiss the action for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The respondent filed a motion to dismiss, however, the petitioner did not respond to the motion.² The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on April 18, 2016. The petitioner then filed a notice of dismissal pursuant to Rule 41(a)(1)(A)(I) of the Federal Rules of Civil

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

² An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying petitioner of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Petitioner did not respond to the motion.

Procedure because the issues raised in his petition have been remedied by the Federal Bureau of Prisons. It thus appears that the petitioner wishes to dismiss his petition.

This court agrees with the Magistrate Judge that the petitioner meets all of the criteria for dismissal under Rule 41(b). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *Davis v. Williams*, 588 F.2d 69 (4th Cir. 1978). Accordingly, the court adopts the Report and Recommendation of the Magistrate Judge and this action is dismissed with prejudice pursuant to Rule 41(b). The Clerk may docket the petitioner's motion for voluntary dismissal as moot.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge

May 2, 2016
Columbia, South Carolina